

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 4:09-cr-96 RWS (MLM)
)	
ANTHONY RIZZUTI,)	
)	
Defendant.)	

DEFENDANT'S FIRST MOTION TO CONTINUE SENTENCING

COMES NOW Defendant, Anthony Rizzuti, by and through counsel, and hereby moves this Court to continue the sentencing hearing presently scheduled for February 19, 2010 at 10:30 a.m. to the week of March 29, 2010. In support of this motion, Defendant states as follows:

1. On December 1, 2009, Defendant pled guilty to count II of the indictment filed by the government on January 29, 2009.
2. On that same date, this Court scheduled sentencing for February 19, 2010.
3. Counsel is currently arranging for a private psycho-sexual evaluation of Defendant to assist at sentencing.
4. Based on conversations with the expected evaluator, counsel does not expect the evaluation to be completed prior to the first week of March of this year.
5. During the first week of March, counsel expects to proceed to trial in United States of America v. James Kornhardt, 4:08-cr-701 CAS. During the week of March 15, 2010, counsel expects to proceed to trial in United States of America v. Walter Hill, 3:09-cr-30116

MJR. This latter trial is anticipated to consume two weeks in the Southern District of Illinois.

As a result of these trials and Defendant's evaluation, counsel does not expect to have an available date for sentencing until the week of March 29, 2010.

6. In addition to the above, counsel participated in United States of America v. Donald Zakrzewski, 4:08-cr-610 JCH during the week of December 21, 2009. As a result of Defendant Zakrzewski's trial, preparation therefor, and the ensuing holiday schedule, counsel and Defendant have not yet sat for Defendant's presentence investigation interview. Moreover, counsel does not expect to complete that interview until the end of next week.

7. For all of these reasons, Defendant moves for the instant continuance.

8. Defendant, through counsel, has discussed this matter with assistant United States attorney Robert Livergood. Mr. Livergood does not object to Defendant's request.

WHEREFORE, Defendant respectfully requests this Honorable Court continue the sentencing presently scheduled for February 19, 2010 at 10:30 a.m. to the week of March 29, 2010.

Respectfully submitted,

ROSENBLUM, SCHWARTZ, ROGERS & GLASS, PC

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CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2010, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Mr. Robert Livergood, assistant United States attorney.

Defendant's First Motion to Continue Sentencing

ROSENBLUM, SCHWARTZ, ROGERS & GLASS, PC

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